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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION**

**Chapter 13  
Case No. 09-44760  
Adversary Proceeding No. 09-04190**

**In re:**

**Carmen Bailey**

**Debtor**

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**Carmen Bailey  
Plaintiff**

**vs.**

**Wells Fargo Bank, NA  
Defendant.**

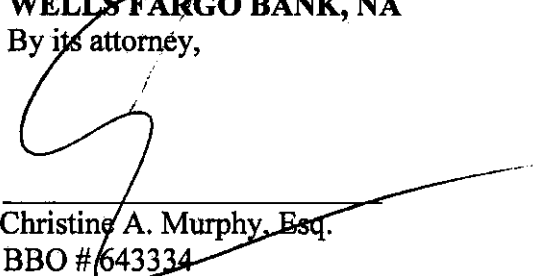
**DEFENDANT, WELLS FARGO BANK, NA'S OPPOSITION TO PLAINTIFFS'  
MOTION FOR RECONSIDERATION OF MOTION FOR TEMPORARY  
RESTRAINING ORDER**

Now comes the Defendant, Wells Fargo Bank, NA (hereinafter "Wells Fargo") and opposes Plaintiff's Motion for reconsideration of Temporary Restraining Order. As grounds thereof Wells Fargo asserts that Plaintiff has not demonstrated that she will suffer irreparable harm in the absence of injunctive relief. Further, Plaintiff fails to state a claim against Wells Fargo., for which relief can be granted pursuant to 12(b)(6) and as such fail to demonstrate any likelihood of success.

Wherefore, Wells Fargo requests that this Honorable Court deny Plaintiff's Motion for Temporary Restraining Order and grant Wells Fargo such further relief as is appropriate and just.

As further support for this Opposition, Wells Fargo refers to the attached Memorandum in Support of its Opposition to Plaintiff's Motion for Temporary Restraining Order, filed herewith.

Respectfully submitted,  
**WELLS FARGO BANK, NA**  
By its attorney,



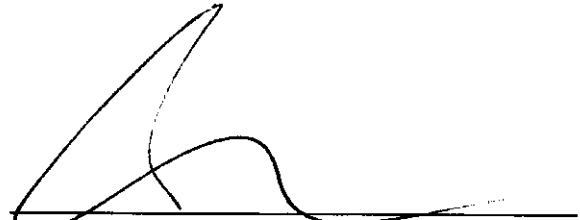
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Newton Highlands, MA 02461-0389  
(617) 558-0500

DATED: January 25, 2010

**CERTIFICATE OF SERVICE**

I, Christine A. Murphy, state that on January 25, 2010, I served the foregoing Opposition to Plaintiff's Motion for Reconsideration of Temporary Restraining Order and Certificate of Service on behalf of Defendant, Wells Fargo Bank, NA via in hand to the following:

Michael J. Tremblay  
277 Main Street  
Marlborough, MA 01752



Christine A. Murphy, Esquire

January 25, 2010